

Practitioner's Docket No. 47,653.1 RECEIPT ACCOUNTING DIVISION PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

1999 MAR 22 PM 2:17

☒ In re application of: John C. Houck, Mary  
Application No.: 09/189,130 Group No. 1643  
Filed: November 10, 1998 Examiner: Not Yet Assigned  
For: SMALL PEPTIDES AND METHODS FOR TREATMENT OF ASTHMA AND INFLAMMATION

☐ Patent No.: \_\_\_\_\_ Issued: \_\_\_\_\_

\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where the refund request is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

Assistant Commissioner for Patents

Washington, D.C. 20231

ATTENTION: Refund Section, Accounting Division, Office of Finance

REQUEST FOR REFUND  
(37 C.F.R. 1.28(a))

I. SUBMISSION OF SMALL ENTITY STATEMENT

(complete (a) or (b))

- (a) ☒ Attached is a statement claiming small entity status in this application.  
(b) ☐ A statement claiming small entity status was filed in this application on \_\_\_\_\_

II. REFUND REQUEST

This request for refund is made within two months of the date a fee was paid in this application on January 22, 1999, in the amount of \$ 1,646.00

NOTE: The two-month period (§ 1.28(a)) is not included in the provisions for extension under 37 C.F.R. 1.136 because it is not a period for response. Notice of November 30, 1983, 49 FR 548, January 4, 1984. 37 C.F.R. 1.28(a).

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 3/19/99

Signature

Barbaranne Jenness

(type or print name of person certifying)

Request for Refund [7-9]—page 1 of 3)

### III. FEES PAID FOR WHICH REFUND REQUESTED

#### AMOUNT OF REFUND REQUESTED

☒ Filing fee \$ 758.00

☒ Surcharge for filing the basic filing fee on a date later than the filing date of the application (37 CFR 1.16(e) or 37 CFR 1.16(l)). \$ 65.00

or

☐ Surcharge for filing the oath or declaration on a date later than the filing date of the application (37 CFR 1.16(e)) \$

☐ Surcharge for filing the basic filing fee on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$

or

☐ Surcharge for filing the cover sheet on a date later than the filing date of the provisional application (37 C.F.R. § 1.51(c)(1) and 37 C.F.R. § 1.16(l)) \$

☐ Extension of term \$

☐ Issue fee \$

☐ Patent maintenance fee

☐ first maintenance fee \$

☐ second maintenance fee \$

☐ third maintenance fee \$

☐ Patent maintenance fee surcharge.

NOTE: The refund provisions of § 1.28(a), for later submitted small entity statements, apply to maintenance fees. Notice of July 30, 1984, 1046 O.G. 28-37.

☐ Other \$

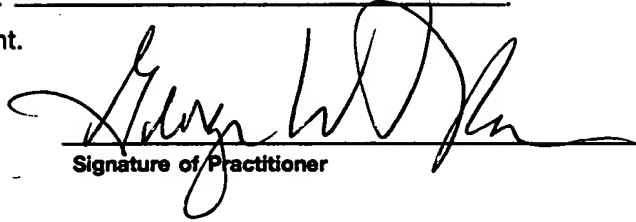
TOTAL REFUND REQUESTED \$ 823.00

#### IV. MANNER OF REFUND

Please make refund by

☒ crediting Account No. 04-1105

☐ refunding overpayment.

  
Signature of Practitioner

Reg. No.: 26,964

George W. Neuner

*(type or print name of practitioner)*

Tel. No.: (617) 523-3400

130 Water Street

P.O. Address

Customer No.: 21874

Boston, MA 02109

Practitioner's Docket No. 47,653.1**PATENT**☒ Applicant John C. Houck☐ Patentee☒ Application No. 09/189,130☐ Patent No.☒ Filed on November 10, 1998☐ Issued onTitle: SMALL PEPTIDES AND METHODS FOR TREATMENT OF ASTHMA AND INFLAMMATION**STATEMENT CLAIMING SMALL ENTITY STATUS  
(37 CFR 1.9(d) and 1.27(e))—SMALL BUSINESS CONCERN**

I hereby state that I am

☐ the owner of the small business concern identified below.☒ an official of the small business concern empowered to act on behalf of the concern identified below.Name of Small Business Concern Histatek LLCAddress of Small Business Concern 36 St. Germain  
San Francisco, CA 94114

I hereby state that the above identified small business concern qualifies as a small business concern, as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to, and remain with, the small business concern identified above, with regard to the invention described in

☐ the specification filed herewith, with title as listed above.☒ the application identified above.☐ the patent identified above.

If the rights held by the above-identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c), if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

**NOTE:** Separate statements are required from each named person, concern or organization having rights to the invention as to their status as small entities. (37 CFR 1.27)

Each such person, concern or organization having any rights in the invention is listed below:

- ☒ No such person, concern, or organization exists.  
☐ Each such person, concern or organization is listed below.

Name \_\_\_\_\_  
Address \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

Name \_\_\_\_\_  
Address \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 CFR 1.28(b))

(check the following item, if desired)

NOTE: The following verification statement need not be made in accordance with the rules published on Oct. 10, 1997, 62 Fed. Reg. 62,131, effective Dec. 1, 1997.

NOTE: "The presentation to the Office (whether by signing, filing, submitting, or later advocating) of any paper by a party, whether a practitioner or non-practitioner, constitutes a certification under § 10.106(a) of this chapter. Violations of § 10.106(b)(2) of this chapter by a party, whether a practitioner or non-practitioner, may result in the imposition of sanctions under § 10.106(c) of this chapter. Any practitioner violating § 10.106(b) may also be subject to disciplinary action. See §§ 10.106(a) and 10.23(c)(1)(i)." 37 C.F.R. § 1.414(d).

☒ I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing Craig Palmer  
Title of Person if Other Than Owner \_\_\_\_\_  
Address of Person Signing 36 St. Germain  
San Francisco, CA 94114

SIGNATURE

Craig R. Palmer

Date March 19, 1999